

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 10-00332-02-CR-W-BCW
)	
TERESA BROWN,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

On June 15, 2011, the Grand Jury returned a twenty-count Superseding Indictment against Teresa Brown and eleven other defendants. Defendant Brown is charged with one count of conspiracy to commit the crimes of securities fraud and wire fraud, one count of securities fraud and six counts of wire fraud.

On June 20, 2012, counsel for defendant Brown filed a Motion for Determination of Mental Competency, pursuant to 18 U.S.C. § 4241, asking that defendant undergo an outpatient psychiatric or psychological examination and that a report be filed with the Court regarding the defendant's ability to understand the proceedings presently pending against her and to properly assist in her own defense (doc #203). On August 17, 2012, the Court ordered that defendant undergo a psychiatric or psychological examination by Dr. Brian Skop to determine her ability to stand trial (doc #223).

On September 6, 2012, Dr. Skop's report was filed with the Court. The report concluded:

The present examination supports a court determination that Ms. Brown is currently competent to stand trial. While she has depression and anxiety complaints, these do not appear to be negatively impacting her motivation for her defense or her understanding of her legal situation. She appears to have the present capacity to consult with her attorney with a reasonable degree of rational understanding, and she appears to have a rational and factual understanding of the proceedings against her.

(doc #228 at 7)

On September 17, 2012, defendant Brown filed a Stipulation to Facts and Findings of Psychiatric Evaluation Report and Waiver of Competency Hearing (doc #234). The Stipulation states that defendant Brown “stipulates to the facts and findings of the forensic psychiatric evaluation report opining that ‘Ms. Brown is currently competent to stand trial.’” (Id. at 1) The Stipulation further states: “Given Dr. Skop’s findings, Ms. Brown submits that a competency hearing, conducted pursuant to 18 U.S.C. § 4247, is simply not necessary at this time. Ms. Brown expressly adopts the facts and findings of the report and waives the competency hearing.” (Id. at 2)

The only evidence before the Court on the issue of defendant’s competency to stand trial is the report of Dr. Brian Skop. As set forth above, Dr. Skop’s “examination supports a court determination that Ms. Brown is currently competent to stand trial.” (doc #228 at 7)

Based upon the information before the Court, it is

RECOMMENDED that the Court, after making an independent review of the record and applicable law, enter an order finding that defendant Teresa Brown is not currently suffering from a mental disease or defect which would prevent her from understanding the nature and consequences of the proceedings against her or assisting in her defense and that she is competent to stand trial.

Counsel are reminded they have fourteen days from the date of this Report and Recommendation within which to file and serve objections. A failure to file and serve timely objections shall bar an attack on appeal of the factual findings in this Report and Recommendation

which are accepted or adopted by the district judge, except on grounds of plain error or manifest injustice.

/s/ Sarah W. Hays
SARAH W. HAYS
UNITED STATES MAGISTRATE JUDGE